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09/931,965	08/17/2001	John Hediger	2001P10619 US01	5422

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EXAMINER

TANG, KUO LIANG J

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,965

Applicant(s)

HEDIGER ET AL.

Examiner

Kuo-Liang J Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities:

“removable magnetic media, removable optical media, and removable solid state media.”

Should be “removable magnetic media, removable optical media, or removable solid state media”. A Media cannot have all three types in one. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7, 11, 13, 15 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gish US Patent No. 6,434,598.

3. As Per Claim 1, Gish discloses An interprise computing manager in which an application is composed of a client (front end) program which communicates utilizing a network with a server (back end) program. (See Abstract and associated text). In that Gish discloses the method that covering the steps of:

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“a. retrieving template installation instruction information from a persistent data store;”
(E.g., see col. 42:1-5 which states “... installation directory under Templates/C. ...”);

“b. deriving installation related information from configuration data associated with the application;” (E.g., see col. 42:1-67 to col. 43:1-39 which states “... Environment Configuration ...”);

“c. incorporating the derived installation related information into the template installation information to form installation instruction data; (E.g., see col. 42:1-67 to col. 43:1-39, Example.mk is the file); and

“d. storing the derived installation instruction data.” (E.g., see col. 42:1-67 to col. 43:1-39, Example.mk is the file).

4. As per Claim 2, the rejection of claim 1 is incorporated and further Gish teaches at least two of claim 1 (b):

“i. an identity of a directory to contain the application; “ (E.g., see col. 42:1-67 to col. 43:1-39);

“ii. an identity of data files comprising the application; “(E.g., see col. 42:1-67 to col. 43:1-39);

“iv. communication settings for the application; “(E.g., see col. 42:1-67 to col. 43:1-39).

5. As per Claim 3, the rejection of claim 1 is incorporated and further Gish teaches

“processing the derived installation instruction data for output.” (E.g., see col. 42:1-67 to col. 43:1-39 which states “...Build the client program...”).

6. As per Claim 4, the rejection of claim 3 is incorporated and further Gish teaches

“formatting the derived installation instruction data as installation documentation for reproduction on an output device, the output device comprising a printer and a video display.”

(E.g., see col. 42:1-67 to col. 43:1-39 and col. 7:21-35. (The Example.mk file can be view from a video display or print out via a printer)).

7. As per Claim 5, the rejection of claim 1 is incorporated and further Gish teaches

“installation instruction text data for output as installation documentation.” (E.g., see col. 42:1-67 (Example.mk is an ascii data file).

8. As per Claim 7, the rejection of claim 1 is incorporated and further Gish teaches

“selecting a file containing the template installation instruction information from a plurality of files containing a corresponding plurality of installation instruction documentation templates.” (E.g., see col. 42:1-67 which states “...Example.mk is in the ICE-T installation directory under Templates/C or Templates/C++. These files ...”).

9. As per Claim 11, the rejection of claim 1 is incorporated and further Gish teaches

“providing a map for associating items of the derived installation related information and corresponding locations in the template installation information for use in incorporating the

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derived installation related information into the template installation information.” (E.g., see col. 42:1-67 to col. 43:1-39 which states “...# Change the following lines to indicate the location of your compiler. ...” (map)).

10. As per Claim 13, the rejection of claim 1 is incorporated and further Gish teaches

“i. the system for automated generation of installation instruction documentation for an executable software application is located on a storage medium together with the application,” (E.g., see FIG. 3, item 313 “Disk Drive”, and col. 70:17 to 72:14);

“ii. the system is performed in response to at least one of initial access to the application and insertion of the storage medium in a processing system.” (E.g., see FIG. 3, item 313 “Disk Drive”, and col. 70:17 to 72:14).

11. As per Claim 15, the rejection of claim 1 is incorporated and further Gish teaches

“predetermined text installation instructions and an executable procedure for generating installation instructions upon procedure execution.” (E.g., see col. 42:1-67 to col. 43:1-39.).

12. As per Claim 23, Gish teaches

“a. configuration data for a software interface,” (E.g., see col. 5:40-54);

“b. a template, comprising documentation and variables insertable into the documentation, the variables to be satisfied with one or more configuration data,” (E.g., see FIG. 27 and col. 42:1-67 to col. 43:1-39.);

“c. a computer system comprising a memory and a processor;” (E.g., see FIG. 3 RAM 306 and CPU 302); and

“d. software executable in the computer system for creating a data file containing installation data derived from configuration data and incorporated into the template, the installation data comprising documentation of an installation process for the software interface.” (E.g., see FIG. 27 and col. 5:40-54; col. 42:1-67 to col. 43:1-39.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gish US Patent No. 6,434,598 in view of Alam et al. US Patent No. 6,336,124 (hereinafter Alam).

As per Claim 6, the rejection of claim 5 is incorporated and further Gish doesn't explicitly disclose output document in different formats. However, Alam teaches “selecting an output format for the installation documentation, the output format comprising Rich Text Format, Microsoft.RTM. Word compatible format, HTML document format, and Extensible

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Mark-up Language (XML) compatible format.” (E.g., see col. 1:60-67 to col. 2:1-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Alam into the system of Gish, to output document in different formats. The modification would have been obvious because one of ordinary skill in the art would have been motivated to do so because it would provide Gish with a versatile system (can convert a document stored in one format to different formats).

14. Claims 8-10, 16-18 and 20- 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gish US Patent No. 6,434,598 in view of Hakewill et al. US Patent No. 6,560,754 (hereinafter Hakewill).

15. As per Claim 8, the rejection of claim 1 is incorporated and further Gish doesn't explicitly disclose prompting questions. However, Hakewill teaches “creating a prompt question generating routine for inclusion in the installation instruction data by incorporating prompt questions into a predetermined question prompting procedure, the prompt questions being for answer by a user upon installation of the application.” (E.g., see col. 13:16-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hakewill into the system of Gish, to prompt question to users. The modification would have been obvious because one of ordinary skill in the art would have been motivated to generate a makefile via display prompts to users for inputting information relating to the desired design and they would provide Gish with a more interactive and/or user friendly system.

16. As per Claim 9, the rejection of claim 8 is incorporated and further Gish doesn't explicitly disclose prompting questions. However, Hakewill teaches "creating a prompt question generating routine for inclusion in the installation instruction data by incorporating prompt questions into a predetermined question prompting procedure, the prompt questions being for answer by a user upon installation of the application." (E.g., see col. 13:16-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hakewill into the system of Gish, to prompt question to users. The modification would have been obvious because one of ordinary skill in the art would have been motivated to generate a makefile via display prompts to users for inputting information relating to the desired design.

17. As per Claim 10, the rejection of claim 8 is incorporated and further Gish doesn't explicitly disclose prompting questions. However, Hakewill teaches "creating prompt question documentation for inclusion in the installation instruction data, the prompt question being for answer by a user upon installation of the application." (E.g., see col. 13:16-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hakewill into the system of Gish, to prompt question to users. The modification would have been obvious because one of ordinary skill in the art would have been motivated to generate a makefile via display prompts to users for inputting information relating to the desired design and they would provide Gish with a more interactive and/or user friendly system.

18. As Per Claim 16, Gish discloses An interprise computing manager in which an application is composed of a client (front end) program which communicates utilizing a network with a server (back end) program. (See Abstract and associated text). In that Gish discloses the method that covering the steps of:

“a. retrieving template installation instruction information from a persistent data store;” (E.g., see col. 42:1-5 which states “...installation directory under Templates/C. ...”);

“b. deriving installation related information from configuration data associated with the application;” (E.g., see col. 42:1-67 to col. 43:1-39 which states “... Environment Configuration ...”);

“c. incorporating the derived installation related information into the template installation information to form installation instruction data; (E.g., see col. 42:1-67 to col. 43:1-39, Example.mk is the file); and

“d. storing the derived installation instruction data.” (E.g., see col. 42:1-67 to col. 43:1-39, Example.mk is the file).

Gish doesn't explicitly disclose the installation instruction information including prompt questions for answer by a user upon installation of the application. However, Hakewill teaches “the installation instruction information including prompt questions for answer by a user upon installation of the application;” (E.g., see col. 13:16-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hakewill into the system of Gish, to prompt questions for answer by a user upon installation

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of the application. The modification would have been obvious because one of ordinary skill in the art would have been motivated to generate a makefile via display prompts to users for inputting information relating to the desired design and they would provide Gish with a more interactive and/or user friendly system.

19. As per Claims 17-18, recite such claimed limitations which also have been addressed in Claims 3, 8.

20. As Per Claim 20, Gish discloses An interprise computing manager in which an application is composed of a client (front end) program which communicates utilizing a network with a server (back end) program. (See Abstract and associated text). In that Gish discloses the method that covering the steps of:

“a.i. retrieving template installation instruction information from storage,” (E.g., see col. 42:1-5 which states “...installation directory under Templates/C. ...”);

“a.ii. deriving installation related information from configuration data associated with the application,” (E.g., see col. 42:1-67 to col. 43:1-39 which states “... Environment Configuration ...”);

“a.iii. incorporating the derived installation related information into the template installation information to form installation instruction data; (E.g., see col. 42:1-67 to col. 43:1-39, Example.mk is the file); and

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Gish doesn't explicitly disclose b. installing the executable software application in response to user command received via the displayed prompt questions.. However, Hakewill teaches "b. installing the executable software application in response to user command received via the displayed prompt questions." (E.g., see col. 13:16-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hakewill into the system of Gish, to prompt questions for answer by a user upon installation of the application. The modification would have been obvious because one of ordinary skill in the art would have been motivated to generate a makefile via display prompts to users for inputting information relating to the desired design and they would provide Gish with a more interactive and/or user friendly system.

21. As Per Claim 21, Gish discloses An interprise computing manager in which an application is composed of a client (front end) program which communicates utilizing a network with a server (back end) program. (See Abstract and associated text). In that Gish discloses the method that covering the steps of:

"a.i. retrieving template installation instruction information from storage," (E.g., see col. 42:1-5 which states "...installation directory under Templates/C. ...");

"a.ii. deriving installation related information from configuration data associated with the application," (E.g., see col. 42:1-67 to col. 43:1-39 which states "... Environment Configuration ...");

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“a.iii. incorporating the derived installation related information into the template installation information to form installation instruction data; (E.g., see col. 42:1-67 to col. 43:1-39, Example.mk is the file); and

Gish doesn't explicitly disclose b. installing the executable software application in response to user command received via the displayed prompt questions.. However, Hakewill teaches “a.i. the installation instruction information including prompt questions for answer by a user upon installation of the application” and “b. installing the executable software application in response to user command received via the displayed prompt questions.” (E.g., see col. 13:16-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hakewill into the system of Gish, to prompt questions for answer by a user upon installation of the application. The modification would have been obvious because one of ordinary skill in the art would have been motivated to generate a makefile via display prompts to users for inputting information relating to the desired design and they would provide Gish with a more interactive and/or user friendly system.

22. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gish US Patent No. 6,434,598 in view of Sensney US Patent No. 5,390,240.

23. As per Claim 12, the rejection of claim 1 is incorporated and further Gish doesn't explicitly disclose prompting a user to select at least one of the source application and the destination application. However, Sensney teaches “prompting a user to select at least one of the source application and the destination application.” (E.g., see col. 9:6-20). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sensney into the system of Gish, to prompt a user to select at least one of the source application and the destination application. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide Gish with a more versatile system that would also applicable and/or suite well in such a distributed environment.

24. As per Claim 19, recites such claimed limitations which also have been addressed in Claim 12.

25. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gish US Patent No. 6,434,598.

As per Claim 14, the rejection of claim 13 is incorporated and further Gish doesn't explicitly disclose removable magnetic media, removable optical media, or removable solid state media. However, it is well known that any computer readable medium is composed from any one of these three type medias. It is obvious that the storage medium is a portable medium comprising removable magnetic media, removable optical media, and removable solid state media.

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26. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gish US Patent No. 6,434,598 in view of Hakewill et al. US Patent No. 6,560,754 (hereinafter Hakewill) further in view of Sensney US Patent No. 5,390,240.

27. As per Claim 22, the rejection of claim 21 is incorporated and further Gish and Hakewill don't explicitly disclose prompting a user to select at least one of the source application and the destination application. However, Sensney teaches "prompting a user to select at least one of the source application and the destination application." (E.g., see col. 9:6-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sensney into the system of Gish and Hakewill, to prompt a user to select at least one of the source application and the destination application. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide Gish with a more versatile system that would also applicable and/or suite well in such a distributed environment.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang J Tang whose telephone number is 703-305-4866.

The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on 703-305-4552.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306.

Kuo-Liang J. Tang

Software Engineer Patent Examiner

A handwritten signature in black ink, reading "Antony Nguyen-Ba". The signature is written in a cursive, flowing style.

**ANTONY NGUYEN-BA
PRIMARY EXAMINER**